

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

FILED

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CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY _____

DEPUTY

STEVEN JOHN BUSTI,
Plaintiff,

-vs-

Case No. A-11-CA-1029-SS

**PLATINUM STUDIOS, INC.; SCOTT
MITCHELL ROSENBERG; UNIVERSAL
STUDIOS, INC. d/b/a Universal Pictures; and
DREAMWORKS II DISTRIBUTION CO., LLC,**
Defendants.

ORDER

BE IT REMEMBERED on this day the Court again reviewed the file in the above-styled cause, and specifically the defendants' Motion to Dismiss for Failure to State a Claim Upon Which Relief May Be Granted [#39] to the Third Amended Complaint for Copyright Infringement.

This lawsuit was filed on December 1, 2011. Service of process was made, and there have been now two amended complaints. The file is over two inches thick and no party has reached first base. Yet, there is no question what this lawsuit is about and what the contentions are. This lawsuit has taken enough time of the undersigned on the pleadings. The case could well have been concluded based on an evidentiary record in the nine months of its existence. The Third Amended Complaint is simply not dispositive with the live pleadings conflicting and competitive allegations.

IT IS THEREFORE ORDERED that the Motion to Dismiss [#39] is DENIED. Over seven months have been wasted with the results of simply incurring expense and absorption

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of time. The scheduling order submitted by the parties on April 3, 2012 is out of date and inapplicable. Therefore, the Court enters its own scheduling order with the following caveat.

It does not appear this is a significant case, and the Court strongly recommends plaintiff's counsel read Rule 11 before proceeding further. It is respectfully suggested that the parties consider the filing of competitive motions for summary judgment based on an evidentiary record, rather than the snippy type of pleadings that have been filed through the case by the parties.

SIGNED this the 24th day of August 2012.


UNITED STATES DISTRICT JUDGE